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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,924	07/11/2003	Scott Bohannon	B9330.0002/P001	2433
24998	7590	12/02/2008		
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER ALMATRAHI, FARIS S	
			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			12/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/616,924	Applicant(s) BOHANNON ET AL.	
	Examiner FARIS ALMATRAHI	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7,10-15,20-29 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,10-15,20-29 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. This action is in reply to applicant amendment filed August 21, 2008.
2. Claims 1-2, 10-15, 20-29 and 36 have been amended.
3. Claims 3-5, 8-9, 16-19, 30-35 and 37-39 have been cancelled.
4. Claims 1-2, 6-7, 10-15, 20-29 and 36 are pending in this application.

Claim Objections

5. Claims 6-7 are objected to because of the following informalities: Claim identifier is not included. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-2, 6-7, 10-15, 20-24, 26-29 and 36** are rejected under 35 U.S.C. 102(b) as being anticipated by Pugliese, III et al. (US Publication No. 2001/0044751 A1).

Art Unit: 3627

8. Regarding claims 1-2 and 36, Pugliese discloses a system and method of fulfilling a buyer's request comprising: a seller's program (Abstract); entering a buyer's request into a buyer's purchase request module (Paragraphs [0009] – [0010]); conducting a search of said buyer's purchase request using a seller's search function module (Paragraph [0124], Paragraph [0267]); providing offers to a buyer using an offer display module wherein a buyer can complete a transaction with a seller using a sales processing module (Paragraphs [0010], [0232], [0265] - [0268]); wherein said offer display module provides a plurality of result boxes (Figures 9, 13, 16, 26; Paragraphs [0265] – [0268]).
9. Regarding claims 6-7, Pugliese discloses a system wherein said buyer's purchase request module further comprises a natural language search engine (Paragraph [0124]).
10. Regarding claims 10-11 and 14-15, Pugliese discloses a system wherein said result boxes provide at least a product name, a product description, a seller name, a seller contact and an indication as to whether a seller participates in a seller program (Paragraph [0206] – [0208]).
11. Regarding claims 12-13, Pugliese discloses a system wherein said results boxes further include an action box, a matches box, a complements box, a statistical alternatives box and an advertisements box (Abstract, Paragraph [0010], Paragraph [0143], Paragraph [0270]).

Art Unit: 3627

12. Regarding claims 20-21, Pugliese discloses a system wherein said action box permits a buyer to indicate seller contact preferences (Paragraph [0010] – [0013], Paragraph [0140]).

13. Regarding claim 22, Pugliese discloses a system wherein said seller contact preferences further comprise a save search function and contact option function (Paragraph [0091] - [0092], Paragraph [0221]).

14. Regarding claim 23, Pugliese discloses a system wherein said seller contact preferences further comprise a save search function and contact option function (Paragraph [0091] - [0092], Paragraph [0221]).

15. Regarding claim 24, Pugliese discloses a system wherein said save search function permits a buyer to save a plurality of said buyer's purchase requests (Paragraph [0221]).

16. Regarding claim 26, Pugliese discloses a system wherein said matches box provides matches to a buyer's purchase request (Paragraph [0270]).

17. Regarding claim 27, Pugliese discloses a system wherein said complements box provides complementary goods or services related to a buyer's purchase request (Paragraph [0010]).

18. Regarding claim 28, Pugliese discloses a system wherein said statistical alternatives box provides goods or services statistically likely to be desired by a buyer (Paragraph [0010], Paragraph [0143]).

19. Regarding claim 29, Pugliese discloses a system wherein said advertisements box provides targeted advertising (Abstract).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claim 25** are rejected under 35 U.S.C 103(a) as being unpatentable over Pugliese, III et al. (US Publication No. 2001/0044751 A1) in view of official notice.

22. Regarding Claim 25, Pugliese fails to explicitly disclose a system wherein said contact option function permits a buyer to request a seller contact said buyer by at least one method selected from the group consisting of a telephone, e-mail, traditional mail, or a buyer's search display module.

23. However, Examiner takes official notice that an option of contacting a buyer by a method selected from a group consisting of a telephone, e-mail, traditional mail, or a buyer's search display module is old and well known in the art at the time the invention was made.

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a system wherein said contact option function permits a buyer to request a seller to contact said buyer by at least one method selected from the group consisting of a telephone, e-mail, traditional mail, or a buyer's

Art Unit: 3627

search display module, for the advantage of providing a buyer with a choice of a preferred method to be contacted.

Response to Arguments

25. Applicant's arguments filed on August 21, 2008 have been fully considered but they are not persuasive.

26. Regarding Applicants arguments that *there is no disclosure in the Pugliese reference of a plurality of result boxes*. Examiner takes into account broadest interpretation of the recited limitation in the instant application. Pugliese discloses in Figures 9 and 16 product display data, product category list in Paragraph [0105], and search fields in Paragraph [0265] which reads on a plurality of display boxes.

27. Examiner note: The applicant failed to specifically point out the supposed errors in the examiner's action, and to state why the notice fact is not considered to be common knowledge or well known in the art, therefore in view of the inadequate traversal, and in light of the requirements of 2144.03(c), the examiner notes that the well known in the art statements of the previous Office Action are considered to be admitted prior art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571)270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Faris Almatrahi
Examiner
Art Unit 3627

FA

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627